UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Wednesday, 23 November 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. BIGGAR (Vice-Chairman) (Ireland)

later: Mr. CISSÉ (Senegal)

CONTENTS

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/49/SR.40
23 December 1994
ENGLISH
ORIGINAL: FRENCH

94-82467 (E)

/...

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/49/36, A/49/188, A/49/228-S/1994/827, A/49/264-E/1994/113, A/49/293, A/49/311, A/49/321, A/49/337, A/49/366, A/49/410, A/49/415, A/49/416, A/49/512, A/49/528, A/49/545, A/49/582 and A/49/595; A/C.3/49/5, A/C.3/49/9, A/C.3/49/11 and A/C.3/49/17)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/49/82, A/49/85, A/49/88, A/49/168, A/49/183-S/1994/733, A/49/186, A/49/218-S/1994/801, A/49/270-E/1994/116, A/49/273-S/1994/864, A/49/394, A/49/455, A/49/508-S/1994/1157, A/49/513, A/49/514 and Add.1 and 2, A/49/538, A/49/539, A/49/543, A/49/544, A/49/594 and Add.1, A/49/635 and Add.1, A/49/641-S/1994/1252, A/49/650 and A/49/651; A/C.3/49/15, A/C.3/49/16, A/C.3/49/17 and A/C.3/49/19)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/49/5, A/C.3/49/8 and A/C.3/49/10)

1. Mr. GROTH (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba) introduced the interim report (A/49/544) which the Commission on Human Rights in its resolution 1994/71, approved by the Economic and Social Council in its decision 1994/261, had requested him to submit to the General Assembly at its forty-ninth session.

2. On 10 August 1994, he had addressed a letter to the Permanent Representative of Cuba to the United Nations Office at Geneva, requesting the cooperation of the Cuban Governmert in the accomplishment of his mandate and authorization to visit the country. To date he had received no reply.

3. As pointed out in earlier reports, the major problems with respect to civil and political rights in Cuba could be attributed to discrimination on political grounds and to the lack of freedom of expression and association. The information available to him indicated that since the publication of the previous report there had been no change either in the practice of the authorities or in the constitutional and penal provisions. Persons who peacefully manifested their disagreement with government policy, either as individuals or in groups, continued to be subject to harassment, accusations, disciplinary measures and prison sentences. They were most frequently accused of enemy propaganda, contempt, unlawful association, possession of illegal printed matter and resistance.

4. He had not found any change for the better with regard to recognition of trade union rights. Despite repeated criticism by the bodies responsible for

the implementation of International Labour Organization (ILO) conventions, the Confederation of Cuban Workers continued to exercise a monopoly in that respect. However, there were indications that free trade unions, considered illegal by the authorities, were being established.

5. He drew attention to the concepts, defined in article 72 of the Penal Code, of "dangerousness" and a "special proclivity to commit offences", to which earlier reports had referred. There were indications that during 1994 and the final months of 1993, the authorities had frequently opened files on cases involving those concepts which had led to prosecution and incarceration of the persons in question for periods of up to four years as a "security measure", whereas such a measure was not provided for in the Penal Code Because of the summary nature of the proceedings, the accused rarely had time to contact a lawyer of his choice or to prepare a defence. In many cases, groups of persons, not individuals, were arrested, thus further reducing procedural safeguards. Such legislation was used not only to control common crime, which might have increased because of the economic crisis, but also against persons suspected of activities that contravened the official ideology.

6. The number of persons attempting to leave the country by sea for the United States of America had increased dramatically, so that early in August the Cuban Government had declared that from then on it would not try to prevent such departures. While from a human rights standpoint that decision could be viewed as positive, it had been dictated more by political expediency than humanitarian motives, and had not been accompanied by a change in the laws to decriminalize illegal exit. In fact, after new immigration agreements had been concluded with the United States early in September 1994, the ban on leaving the country had reverted to the status that had prevailed prior to the crisis. The fact that practice had been agreed upon in negotiations with the United States did not make it less questionable from the standpoint of human rights.

7. The underlying reasons why the human rights situation in Cuba had not changed significantly in 1994 as compared with the previous two years were, above all, institutional and of internal origin. The persistence of political repression impeded the search for solutions to the problems of a society in serious crisis from various points of view.

8. In the economic sphere, the policies carried out for years, in conjunction with more recent phenomena beyond government control, such as the loss of markets and worsening of the terms of trade, had plunged the country into paralysis and chaos. If the Government did not put in place fundamental economic reforms, the impoverishment of the country would nullify many, if not all, of the advances which Cuban society had made over the past 35 years. In addition, that would entail a strong risk of social protest and new waves of people trying to leave the country by sea. While the measures taken so far aimed in the right direction, in that they introduced a measure of flexibility and opportunities for private initiative, they were still too modest and insufficient.

9. Economic and political reforms would be greatly facilitated if Cuba's isolation came to an end. The economic, trade and financial embargoes imposed

by the United States had, over the years, had an adverse impact on the country's political climate and economic reality. They were now an obstacle to the necessary opening up of a system designed to withstand external pressures and hostile acts which threatened national sovereignty. The blockade reinforced the political aims of the Government, which feared any attempt to weaken its control over society; more importantly, it discouraged Cubans from working for a better future. A feeling of profound resignation was probably the dominant mood among the general population, but there was also fear of alternative policies represented by hard-line, politically influential Cuban-American groups. Those fears did not foster a resolve to effect changes, whether through protests or a commitment to participate in the building of a different society.

10. The Cuban Government should institute a fruitful dialogue with all sectors of society, including the internal opposition and Cubans resident abroad. The Government should recognize the right of political parties and non-governmental organizations to function legally in the country. It should recognize the freedoms of expression, information and assembly and should release all prisoners of conscience immediately.

11. Moreover, it was incumbent upon the international community, which had already rejected some aspects of the United States embargo through resolutions of the General Assembly, to provide support for the establishment of a process of peaceful political transition, to ensure that humanitarian assistance was provided to the Cuban population in need, and to facilitate multi- and bilateral technical and financial cooperation which could enable the Government and people to undertake, on a consensual basis, the political and economic reforms urgently called for by the situation. The international community should also continue to monitor the human rights situation in Cuba and the Government should cooperate with all mechanisms of the Commission on Human Rights, including the Special Rapporteur, in particular, by giving him the opportunity to visit the country.

12. He deemed it necessary to emphasize the recommendations once again; the basic elements of those recommendations had already been formulated in previous reports. Specifically, Cuba should: (a) ratify the principal human rights instruments to which it was not a party, in particular, the International Covenant on Civil and Political Rights and its Optional Protocols and the International Covenant on Economic, Social and Cultural Rights; (b) cease persecuting and punishing citizens who wished to exercise their freedom of peaceful expression and association; (c) repeal all legal provisions which implied discrimination among citizens on political grounds, in particular in the employment and education sectors, and redress as far as possible the abuses committed in that area in the past, for example, by reinstating in their former posts persons who had been dismissed; (d) permit the legalization of independent groups, especially those seeking to carry out human rights or trade union activities; (e) review the legal provisions relating to the concept of the "dangerous State" and the relevant security measures with a view to eliminating at least those aspects which were liable to infringe upon individual rights and freedoms; (f) ensure greater respect for the guarantees of due process in accordance with the provisions of the relevant international instruments, in

particular by facilitating access to legal assistance for all persons put on trial without any type of discrimination; (g) release all persons serving sentences for offences against State security and for trying to leave the country unlawfully; (h) ensure greater transparency in the prison system and improve guarantees so as to prevent excessive violence and physical and psychological suffering from being inflicted on prisoners; renew the agreement with the International Committee of the Red Cross and allow access to prisons by independent national groups; (i) allow international non-governmental human rights organizations to enter the country so that they could evaluate the human rights situation and offer their competence and cooperation with a view to securing improvements; (j) repeal the legal provisions which barred Cuban citizens or persons of Cuban origin resident abroad from entering and leaving the country freely, while observing minimal administrative formalities.

13. Mr. Cissé (Chairman) took the Chair.

14. Mr. FERNANDEZ PALACIOS (Cuba) said that nothing in the report of the Special Rapporteur on the situation of human rights in Cuba (A/49/544) justified the decision to appoint a special rapporteur for such a mission. That decision was part of a campaign of defamation against Cuba's political, constitutional, legal and socio-economic system and the submission of the report was only a pretext for the introduction by the United States of America of a resolution which had been prepared much earlier in line with the policy of aggression which it had waged against Cuba for over 30 years. One could legitimately ask whether it was not the United States of America itself which was actually at fault because of the massive and systematic human rights violations of which 11 million Cubans had been victims for 35 years. If his Government was refusing to cooperate with the Special Rapporteur, it was simply because it did not recognize the legitimacy of his mandate. Cuba's desire to cooperate with the United Nations in such matters was demonstrated by its consistent support for all the rapporteurs responsible for special questions, and more recently for the United Nations High Commissioner for Human Rights.

15. It was scandalous that a small developing country like Cuba which had done so much to protect human rights in its territory and elsewhere was the accused party before the Committee while other countries which were responsible for massive and flagrant violations of human rights were acting with complete impunity because of their political strength and economic power. It was also shameful that the Special Rapporteur was participating in that masquerade and acting as an accomplice of the policy of the United States of America. It was absolutely out of the question for Cuba to renounce its sovereignty and independence and agree to subject its institutions and political system to the arbitrary and unjust scrutiny of a great Power and to the ideological vagaries of the Special Rapporteur.

16. Mr. YOKOTA (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar) recalled that the Commission on Human Rights had decided, in resolution 1994/85 of 9 March 1994, to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders

'deprived of their liberty, their families and their lawyers, and to report to the General Assembly at its forty-ninth session. He was submitting to the Committee an addendum (A/49/594/Add.1) to his interim report.

17. On 10 August 1994, he had sent a letter to the Minister for Foreign Affairs of the Union of Myanmar expressing the hope that he would continue to benefit from the cooperation of the Government of Myanmar in assessing the situation of economic, social, cultural, civil and political rights in Myanmar. He had also expressed the wish to visit Myanmar between 7 and 16 November 1994. On 23 September 1994, the Minister had responded favourably to the two requests. On 28 October 1994, the Chargé d'affaires of the Permanent Mission of the Union of Myanmar to the United Nations Office at Geneva had informed him, by letter, that the authorities could agree to the dates he had proposed for his visit to Myanmar.

18. On 5 November 1994, he had sent to the Minister for Foreign Affairs a memorandum setting forth various allegations of human rights violations in Myanmar and requesting the Government's views thereupon. The allegations were summarized under the following headings: (a) extrajudicial, summary or arbitrary execution; (b) arbitrary arrest and detention; (c) torture and other cruel, inhuman or degrading treatment; (d) forced labour; (e) violations of the freedom of movement; (f) violations of the right to property; and (g) the situation of refugees from Myanmar.

19. In the same memorandum, he had requested the Government to provide information on the following matters: (a) the legal authority under which Daw Aung San Suu Kyi was being kept under house arrest and the precise date on which the Government intended to release her; (b) her current health condition; (c) the Government's position with regard to maintaining dialogue with her; (d) progress made in the National Convention; and (e) the Government's action with regard to the distribution of the Burmese version of the Universal Declaration of Human Rights to all the delegates to the National Convention. That memorandum was reproduced in chapters II and III of his report (A/49/594).

20. By a note verbale dated 4 November 1994, the Government of Myanmar had replied to his various requests for information. The Government's reply was reproduced in the addendum to the interim report (A/49/594/Add.1). He wished to express gratitude to the Government of Myanmar for its prompt response to his requests.

21. At the invitation of the Government of Myanmar, he had undertaken a visit to that country from 7 to 16 November 1994. He had been received by the First Secretary of the State Law and Order Restoration Council, the Minister for Foreign Affairs, the Chief Justice, the Attorney General, the Information Minister and other members of the Government. He had visited prisons, where he had met three political leaders, work sites, the National Convention and university campuses. He was grateful to the Government for having facilitated his task in 1994, but expressed disappointment that, in spite of his repeated requests, he had been unable to see Daw Aung San Suu Kyi, who had been under house arrest since 20 July 1989. He was also disappointed that his meetings

th leaders of the main political parties, including the National League for mocracy which had won a landslide victory in the May 1990 elections, had not ken place at his office in the Yangon premises of the United Nations velopment Programme (UNDP), in spite of his repeated requests, but in one of e Government guest houses. He was seriously concerned that he had been unable see other political leaders who had been detained or recently released, or her citizens who wished to contact him but feared repercussions. In that nnection, he noted that Khin Zaw Win, who had been arrested in July 1994, had en accused of sending him fabricated information on Myanmar during his visit Myanmar in 1992. He had later been informed that that charge had not been nsidered as a ground for prosecution by the Court; however, the fact that it d been widely reported even by the government newspaper would discourage the pulation from having any contact with him.

. The Special Rapporteur expressed his gratitude to the UNDP office in ngon, which had provided him with office space, accommodation and local ansport services.

. Following his visit to Myanmar, he had visited Bangkok and Mae Sot in ailand between 16 and 20 November 1994, where he had established or continued ntacts with Myanmar nationals.

. He summarized his observations on the human rights situation in Myanmar on e basis of his recent visit to that country and Thailand and on information he d received from various sources, including officials and citizens of Myanmar, fficials of the United Nations and other related agencies, staff members of on-governmental organizations working in the areas of human rights protection d humanitarian activity, and foreign nationals including diplomats, ournalists, scholars and students.

. First of all, he noted some signs of improvement:

(1) The Government had started a dialogue with Daw Aung San Suu Kyi which intended to pursue, according to assurances provided by Secretary One of the tate Law and Order Restoration Council on 14 November 1994;

(2) The Government had permitted a United States Congressman and a ddhist monk from Myanmar, neither of whom were immediate family members, to isit Daw Aung San Suu Kyi;

(3) Cooperation with the Office of the United Nations High Commissioner or Refugees was continuing and more than 100,000 refugees from Myanmar out of n estimated total of about 270,000 had to date been repatriated from eighbouring Bangladesh;

(4) Cooperation with the International Committee of the Red Cross (ICRC) as expanding, specifically with regard to the training of military personnel in nternational humanitarian law and the four Geneva Conventions of 1949, to which yanmar had acceded in 1992. The role which ICRC could play in improving prison onditions was under consideration by the Government;

(5) The Government was expanding cooperation with various other United Nations organs and agencies and non-governmental humanitarian organizations;

(6) The living conditions of the local population in cities such as Yangon and Mandalay seemed to be less restricted and infrastructures were improving.

26. Despite the progress made, he noted with regret continuing restrictions on fundamental freedoms and serious human rights violations:

(1) Several hundred political leaders were reportedly still in prison or detention, notably Daw Aung San Suu Kyi;

(2) Further arrests of political leaders had been reported or confirmed and the impartiality of judicial procedures was not always guaranteed;

(3) A number of civil and political rights were still severely restricted, in particular the right to life, liberty and security of person, and also freedom of thought, opinion, expression and association;

(4) The composition and procedures of the National Convention did not bode well for the transition to multiparty democracy announced by the Government;

(5) According to witnesses, torture, arbitrary killings, rape and the disappearance or confiscation of private property were still occurring, particularly in border areas where such practices were being carried out by Tatmadaw troops in the course of military operations, forced relocations and development projects. Although people from all social, geographical and ethnic groups were victims of such violations, the most vulnerable appeared to be ethnic communities, women, children, peasants and other low-income peaceful civilians. Serious human rights violations were also being perpetrated by senior officers against their subordinates.

27. He made it clear that, since there had been insufficient time to make a careful study of all the information collected during his visits to Myanmar and Thailand, his observations were preliminary in nature. He intended to submit his final report to the Commission on Human Rights in the near future.

28. Mr. ERMACORA (Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa) said that following the historic election of April 1994, the Working Group's long-awaited visit to South Africa between 10 and 26 August 1994 had coincided with the new Government's first stock-taking exercise 100 days after taking power. All the official and other interlocutors the Working Group had encountered during its visit had stressed the enormous challenge the new Government was facing in the process of healing the scars the apartheid system had left behind. The Working Group had noted with concern the high number of violent crimes and the sharp rise in the crime rate, two phenomena which might have been partly due to an increase in reporting by citizens who felt more confident to do so in the new situation. He noted that while killings which were previously considered to be political according to the Norgaard principle had almost completely ceased, deaths in police custody and detention appeared to

be continuing. The Goldstone Commission had gone a long way towards identifying the culprits connected with politically motivated killings, which should thus provide a basis for proper investigations leading to eventual prosecution of the accused persons.

29. The question of the abolition of the death penalty remained unresolved. It might be resolved when the new Constitutional Court was asked to decide the fate of the 507 people on death row, some of whom might be entitled to an amnesty on the premise that their offences were politically motivated.

30. For the Working Group, the situation of all prisoners remained a matter of concern. Prisons were severely overcrowded and many prisoners had made allegations of ill-treatment and obstruction of basic rights such as access to medical facilities and contact with family members and legal representatives. Two incidents of brutal repression had led to numerous deaths and injuries and were currently being investigated by a government commission of inquiry.

31. The Working Group noted the launch of the Reconstruction and Development Programme which envisaged a complete restructuring of the education system in order to eliminate the discriminatory policies which had existed under the apartheid system. A white paper was scheduled to be tabled before Parliament in January 1995 which would provide for the establishment of a unified and equitable system of education to which all South Africans would have access. The adoption of draft legislation designed to integrate the police services was also a priority issue.

32. The area of health was also causing concern. Although officially segregation had ceased to exist, in practice it remained in place from the point of view of infrastructure and the standard of health care, mainly for economic reasons and because of the de facto separation of the white, black and coloured communities. President Mandela had announced that free medical treatment would be made available to all pregnant women and children under six years of age.

33. The security services perhaps posed the biggest problem since they were composed of white officers trained under the apartheid system who were protected by the Constitution and had remained in their jobs. The South African Government was very concerned to take the police and security forces in hand and actively redress the imbalance between black and white staff The Working Group had also been informed that a new code for police officers was being formulated.

34. The question of setting up a Truth and Reconciliation Commission had provoked country-wide debate and caused a clear division of opinion among human rights groups; some advocated a full inquiry followed by prosecutions, whereas others believed that a general policy of forgiveness should be pursued. However, all parties felt that any official connected with illegal killings and other major human rights violations should be removed from office.

35. The Working Group had taken note of the numerous white papers currently under discussion in South Africa, which were designed to redress the injustices created under the apartheid system, and had noted in particular the law promulgated on 11 November 1994 to restore land to individuals and communities

who had been dispossessed under old, discriminatory legislation. The recent accession by South Africa to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had been welcomed by the Working Group and should also be welcomed by the General Assembly.

36. The Working Group had come to the conclusion that during the transition period, the international community had a very important role to play by supporting the efforts of the South African Government, particularly those aimed at capacity-building among underprivileged groups and promoting greater respect for human rights, and by providing assistance to the South African people.

37. In conclusion, he said that the Working Group wished to thank the Government of South Africa for its help and intended to conclude its work by formulating a set of recommendations which would enable the Commission on Human Rights and other competent United Nations bodies and programmes to help the South African Government to establish a human rights culture and continue the movement begun by the elections of April 1994.

38. Mr. TELLMANN (Norway), referring to sub-items 100 (b) and 100 (c), said he was glad that in 1993 the General Assembly had decided, on the recommendation of the World Conference on Human Rights, to establish the post of High Commissioner for Human Rights. He assured the High Commissioner of his country's support and cooperation.

39. A growing number of countries throughout the world were being torn apart by internal strife and tensions, which led States to declare a state of emergency and as a result to abandon many provisions of the principal international human rights instruments. Even in such situations, however, minimum standards for the protection of human rights should be observed. He therefore welcomed the draft declaration on minimum humanitarian standards presented to the Commission on Human Rights by the Subcommission on Prevention of Discrimination and Protection of Minorities, which the Commission should seriously examine with a view to its adoption.

40. The appalling brutality of the armed conflict in the former Yugoslavia had demonstrated the imperative need to observe basic standards for the protection of human rights laid down in international human rights treaties, in particular in article 3 of the Geneva Conventions. His country fully supported the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.

41. There was also a need to develop institutional and practical mechanisms to secure the protection of persons displaced within their own countries and ensure their access to humanitarian aid. His delegation fully supported the work carried out by the representative of the Secretary-General on internally displaced persons.

42. Norway welcomed the decision of the Commission on Human Rights to establish a working group to prepare a draft optional protocol to the Convention on the Rights of the Child on protection of children in armed conflicts.

43. Freedom of expression, a fundamental individual right, was a prerequisite for the enjoyment of other civil and political rights. Norway had therefore noted with grave concern that a number of authors and journalists had been harassed, detained and even killed. That was not only a violation of the human rights and dignity of the persons concerned, but represented a real threat to the proper functioning of any democratic system.

44. His Government had repeatedly condemned the religious decree (fatwah) pronounced against the author Salman Rushdie as an incitement to murder, incompatible with any international code of conduct. It therefore urged the Iranian Government to repeal that decree, which represented an intolerable violation of the civil rights of citizens.

45. Democratic rule was increasingly being recognized as a prerequisite for the promotion of peace, respect for human rights and economic development. It was in that context that the Norwegian Resource Bank for Democracy and Human Rights had been established to facilitate cooperation between the Norwegian Government and international non-governmental organizations.

46. Norway renewed its appeal to the Myanmar authorities to fully respect human rights, including the rights of ethnic minorities, and to allow freedom of expression and association. Daw Aung San Suu Kyi must be unconditionally released and allowed to participate freely, like other citizens, in the internal political process. The Myanmar authorities would thereby indicate their willingness to engage in a serious dialogue with the international community.

47. In East Timor, a number of arrests and human rights violations had taken place in connection with demonstrations by students and other civilians in Dili and other towns. Norway appealed to the Indonesian authorities to release all detainees and to ensure their safety by allowing humanitarian organizations access to them.

48. Flagrant violations of human rights, including summary and arbitrary executions, continued to occur in Iraq. Norway remained concerned by the plight of the Kurds and the Shiite Muslim population in the southern marshes. It urged the Government of Iraq to allow the stationing of human rights monitors throughout the country.

49. The transition to majority rule in South Africa represented a historic step in the direction of democracy and political pluralism. Norway welcomed the fact that the High Commissioner for Human Rights had decided to provide human rights monitors in Rwanda, where the situation remained tragic. His Government was ready to assist the High Commissioner in providing relevant expertise. Human rights activities and preventive action were also called for in Burundi. Norway had already made funds available for efforts to build democracy in that country, and further assistance would be favourably considered in consultation and cooperation with the High Commissioner and the relevant United Nations bodies.

/...

50. Ethnic and tribal tensions in many other parts of Africa were a cause for great concern. Norway was particularly worried by the legal proceedings taking place in Kenya against various opposition and human rights activists.

51. The continuous process of democratization in Latin America was firmly established. Human rights were, however, still severely threatened in many countries. The peace process in Guatemala was of great concern to the whole international community. Norway welcomed the human rights agreement signed in March 1994, as well as the Agreements signed in June on the Resettlement of the Population Groups Uprooted by the Armed Conflict and on the Commission to clarify past human rights violations and acts of violence. The agreements showed that the parties wished to overcome the remaining obstacles to a peaceful solution in Guatemala. Norway urged the parties to maintain the momentum in the negotiations. The United Nations and the international community must give high priority to the human rights verification mission.

52. The human rights situation in Colombia continued to be a cause for grave concern. The violence caused by guerrilla groups, drug cartels, the security forces and criminals still raged. Norway was aware of the efforts made by the Government of Colombia to improve the situation and welcomed the invitation to the United Nations High Commissioner for Human Rights and United Nations special rapporteurs to formulate recommendations for further improvements.

53. The return of the democratically elected President Aristide to Haiti had paved the way for the building of democracy. Encouragement and assistance would be needed from the international community if the effort was to succeed. Norway was committed to supporting the process in various ways, including the provision of continued United Nations assistance.

54. Many indigenous peoples were still denied their human rights and fundamental freedoms. It was therefore essential that the international community should do its utmost to secure those rights through effective measures to eliminate discrimination, improve respect for the environment and make better use of national resources in order to secure sustainable living conditions. Over the past years there had been greatly increased cooperation and coordination between indigenous peoples, which was a gratifying development. Norway welcomed the decision of the General Assembly to proclaim the International Decade of the World's Indigenous People, commencing in December 1994. It also welcomed the draft declaration on the rights of indigenous peoples adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities and supported the Subcommission's request that the Commission on Human Rights should consider the draft text as expeditiously as possible.

55. Mr. ABDELLAH (Tunisia) said that his country had confirmed its commitment to the universal values of freedom, democracy and the defence of human rights by contributing to the elaboration of the relevant declarations and by ratifying the majority of international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child.

56. Tunisia had also ensured that the texts of those instruments were made available to its people for consultation in dealings with the relevant human rights bodies.

57. In accordance with its commitments, Tunisia had submitted its third periodic report on the implementation of the International Covenant on Civil and Political Rights and in January 1995 would submit its report on the status of women to the Committee on the Elimination of Discrimination against Women.

58. His country had for several years been engaged in a democratic process leading to the introduction of a State governed by the rule of law, under which individual and collective freedoms could flourish in a tolerant and open civil society; it had altered its legislation to that end. It was currently considering a draft law on education and public service and was pleased to have introduced pluralism in Parliament and its committees. The Constitutional Council was also enshrined in the Constitution.

59. The promotion of human rights could not, however, be based solely on legal texts. It required the introduction of mechanisms enabling government bodies to study the matter more deeply, to receive information regarding violations and, above all, to have the necessary finance to disseminate a culture of human rights.

60. A high-level committee on human rights and fundamental freedoms had therefore been established to help the President of the Republic, to submit opinions and proposals and to carry out studies on those themes. The committee had already made it possible for the Ministries of the Interior and of Justice to adopt measures promoting respect for human rights and dignity.

61. The Ministry of the Interior had, among other measures, introduced teaching on human rights into the training of the security forces. Human rights texts had been posted in police stations, a handbook containing guidelines on the application of human rights laws had been distributed to all police officers, meetings and seminars had been organized in order to raise awareness of human rights among prison governors and a school had been set up to train or retrain prison officers and rehabilitation staff.

62. The Ministry of Justice had taken measures to raise awareness of human rights among magistrates. The magistrates' institute ran courses on human rights, on international conventions ratified by Tunisia, on the role of the United Nations and non-governmental organizations in that sphere, on the protection of the right to life, on freedom of opinion, on respect for equality and on the struggle against all forms of discrimination. Other training courses gave magistrates the opportunity to benefit from experience acquired abroad.

63. Human rights units had been established in the Departments of Foreign Affairs, Justice, the Interior and Social Affairs. A special adviser

responsible for human rights had been assigned to the Office of the President of the Republic and an ombudsman, reporting directly to the President of the Republic, had been appointed to deal with applications from individuals.

64. Respect for human rights could only be properly safeguarded by conducting an extensive information and awareness-building campaign, particularly in the emerging democracies, that campaign should begin by inculcating the values of freedom, love and camaraderie in children and by teaching them to accept differences of opinion and to eschew fanaticism and extremism.

65. The educational reform promulgated by the Act of July 1991 had set aside a prominent place in all the stages of education for the teaching of human rights and the promotion of respect for human dignity and equality of rights. Syllabuses placed particular stress on the position of women in society and on the equality of men and women in terms of their rights and duties. They presented a positive image of women and encouraged young people to give careful consideration to the status of women.

66. Tunisia supported the idea of a United Nations decade for human rights education. It welcomed and commended the efforts by the 300 non-governmental organizations involved in the dissemination and implementation of human rights, as well as in efforts to strengthen the foundations of civil society.

67. The second international workshop of national institutions for the promotion and protection of human rights, held in Tunis in December 1993, had resulted in the establishment of an international committee to coordinate the activities of those institutions with those of the Centre for Human Rights, with a view to implementing a joint programme of action. Recommendations designed to strengthen national institutions and to improve the protection of disabled persons, women, children and migrants had also been adopted at that workshop.

68. The promotion of human rights was part of the social programme in Tunisia, which was firmly committed to a process of democratization and development.

69. The Vienna Declaration and Programme of Action established the right to development as an inalienable and fundamental right of the human person. Tunisia wished to reaffirm the interdependence of civil, political and economic rights, and of democracy and development, already recognized by the General Assembly in 1986 in the first article of the Declaration on the Right to Development.

70. His country had implemented social reforms designed to combat poverty and marginalization and to promote and protect the rights of vulnerable groups, without excluding any category of society.

71. The establishment of the necessary conditions for the realization of the right to development was, primarily, the duty of States, but that task also required greater efforts and commitment on the part of the international community and the United Nations.

72. Tunisia welcomed the efforts which the High Commissioner for Human Rights intended to make with a view to implementing the right to development and it was interested to know what strategy he planned to use for that purpose.

73. In March 1993, the Commission on Human Rights had established a working group mandated with identifying obstacles to the implementation of the Declaration on the Right to Development and with recommending ways and means towards the realization of that right by all States. The obstacles already identified by the group, the chairmanship of which was held by Tunisia, included poverty, indebtedness, environmental degradation, persisting conflicts and sources of tension and the magnitude of military spending. Like other developing countries, Tunisia shared the initial conclusions of the group, which recommended the establishment of arrangements to monitor the implementation of the right to development.

74. International solidarity and cooperation were essential elements for the full realization of the right to development, just as they were for the preservation of peace and security.

75. Mr. STROHAL (Austria), speaking on agenda items 100 (b) and (c), said that Austria associated itself with the statement made by the representative of Germany on behalf of the European Union.

76. The human person was the central subject of human rights and fundamental freedoms. That had been reaffirmed by the international community at the World Conference on Human Rights, held at Vienna, which had been committed to highlighting the role of the individual in civil society as part of a comprehensive approach, taking due account of the interdependence of human rights.

77. Despite the progress achieved and the encouraging developments in certain countries, the international community was still far from the goal which it had set itself at the Conference - namely, the full realization of human rights, including through democratization and sustainable development. While summary executions, torture, arbitrary detention and other human rights violations remained widespread, the international community was also faced by such new challenges as increasing racism, xenophobia, nationalism, intolerance and discrimination.

78. Austria commended the different bodies of the United Nations on their efforts to collect and disseminate information and to provide the international community with recommendations on particular situations. The persistence of problems was due both to the reluctance of certain Governments to cooperate with those bodies or to follow up their recommendations and to the lack of cooperation among the bodies themselves. His delegation fully supported the efforts of the High Commissioner for Human Rights to strengthen those mechanisms and to ensure the follow-up to their recommendations.

79. Austria was particularly concerned by the tragedy unfolding in Bosnia and Herzegovina, where a war was being waged under the pretext of ethnic purity, where all human rights instruments were being violated and where the very fabric

of society had been destroyed. It wished to commend the Special Rapporteur on the situation of human rights in the former Yugoslavia for his dedication to the innocent victims whose rights had been flouted.

80. Ethnic intolerance had also provoked conflicts of unprecedented violence, such as that in Rwanda. To address the root causes of those conflicts, the international community should act urgently to establish or rebuild a civil society, to protect internally displaced persons and to resolve conflicts involving minorities.

81. Across the world, consensus on the interdependence of development and democracy was leading to the gradual replacement of totalitarian regimes by more democratic forms of government. The full realization of economic, social and cultural rights and of the right to development were closely linked to the objectives of democracy, the rule of law, good governance and political accountability. The Vienna Programme of Action placed special emphasis on the strengthening or building of institutions relating to human rights, the strengthening of a pluralistic civil society and the protection of groups rendered vulnerable.

82. While the primary responsibility for the protection and promotion of human rights lay with States, Austria fully supported United Nations efforts to develop its activities in that field, in particular through the Electoral Assistance Division, peace-keeping operations and the advisory and technical assistance services of the Centre for Human Rights. The Austrian Government had established a pool of experts to be made available to the United Nations for human rights or electoral field operations. It had founded a centre for civilian peace-keeping in Schlaining, where an international training programme was held regularly with wide international participation.

83. The representative of the Secretary-General had clearly described the plight of internally displaced persons (A/49/538) and had emphasized the international community's responsibility for protecting and assisting them. The problem of displaced persons concerned the whole of the United Nations system. As the representative of the Secretary-General had said, it was necessary to determine their needs, but also to evaluate the legal framework for their protection and the international institutional arrangements to be established. Austria welcomed the extension of his mandate.

84. Many contemporary conflicts bore the mark of unresolved minority issues. The international community was increasingly called upon to ensure their protection. It was in that context that the General Assembly had adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1993. In order to implement that Declaration, there was a need to develop a comprehensive strategy comprising national and international action - in particular with regard to the prevention and settlement of disputes - and practical measures. Within the United Nations system, the Commission on Human Rights had an important role to play in overseeing the implementation of the Declaration and establishing a focal point for collecting information and proposing practical measures. The High

ommissioner for Human Rights should play a decisive role in the protection of ersons belonging to minorities and in the prevention and settlement of onflicts involving minorities. The reports submitted by the High Commissioner nd by the Secretary-General (A/49/415) on that issue were encouraging. Full se should be made of the High Commissioner's dialogue with all Governments and ther actors in the international community, and also of his coordination role nd his capacity to establish advisory services.

5. Mr. SOTIROV (Bulgaria), speaking on agenda items 100 (b) and (d), said that he World Conference on Human Rights held in Vienna in June 1993 had marked a urning-point in international action to ensure the protection and promotion of uman rights, in that it had compelled recognition of the global mission of the nited Nations in upholding human rights and human dignity. Implementation of he important recommendations contained in the Vienna Declaration and Programme f Action was the primary responsibility of the international community and ember States.

6. The Conference had been followed by the appointment of a United Nations igh Commissioner for Human Rights. The seven months which had elapsed since he ad taken office had been marked by the adoption of specific measures in the ield of post-conflict resolution, preventive diplomacy and early warning, to hich might be added the sending of fact-finding missions with the consent of overnments and the use of good offices to anticipate emergency situations rising from serious violations of human rights and respond to them. An example as the High Commissioner's involvement in preventing the Rwandan crisis from spreading to Burundi.

7. His delegation subscribed to the High Commissioner's view that it was ecessary to seek to rationalize the increasingly complex United Nations human ights machinery. As some delegations had said, it was important to preserve nd strengthen the system of rapporteurs, experts, working groups and bodies esponsible for monitoring the implementation of international instruments and o involve them more actively in the process of identifying ways and means of mplementing the Vienna Declaration and Programme of Action. Bulgaria felt that he rapporteurs and special representatives would be able to fulfil their andates more successfully if they were provided with timely information. It elcomed the establishment by the Centre for Human Rights of a telephone line nabling victims, relatives or non-governmental organizations to report human ights violations, and also the idea of making a database available to apporteurs and special representatives and other competent United Nations odies.

8. The World Conference on Human Rights had called for increased resources for uman rights programmes within the regular budget of the United Nations, and for additional extrabudgetary resources to finance such programmes. In view of the important role of the Centre for Human Rights in coordinating and promoting technical assistance, advisory services, and public information education in the field of human rights, his delegation felt that the Centre's resources should be substantially increased. It therefore welcomed the General Assembly's decision to provide the Centre with additional resources, even though they were

inadequate to meet the Centre's increasing workload. Bulgaria wished to renew its technical cooperation programme with the Centre for Human Rights.

89. It also welcomed United Nations involvement, inter alia, in organizing democratic elections in South Africa and Angola, enabling the citizens of those countries to take part in the government of their countries, as was provided for in article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. His delegation was also of the view that United Nations election monitoring missions in various countries helped to promote human rights in those countries through their impartiality and balanced approach.

90. Mr. Al-HAMAMI (Yemen), after drawing attention to the various human rights instruments whose implementation would usher in a new era of more fruitful cooperation between the various Member States, said that the Vienna Declaration and Programme of Action clearly demonstrated the need to establish a link between human rights and the right to development. Poverty, disease, illiteracy and population growth were at the root of the wide variety of political and social tensions that could be observed throughout the world.

91. His delegation felt that the first step would be to follow up the second part of the recommendations contained in the Vienna Declaration, although that did not mean neglecting those contained in the first part. Since development was an inalienable right, and since one of the main threats to human rights was poverty, the international community was duty-bound to establish an appropriate mechanism that addressed those issues, in such a way as to open the way towards a partnership between developed and developing countries, especially the least developed among them. Moreover, in order to ensure socio-economic development, a significant effort was required on the part of the public and private sectors.

92. Yemen, as a democratic State, recognized the various economic, political, social and cultural rights which the Constitution guaranteed all its citizens, that being the only way of ensuring the development, progress, stability and security of the country. Accordingly, thanks to the institution of a multi-party State, it was able in spite of the many economic difficulties it was experiencing to lay the groundwork for a genuine democracy by holding legislative elections on 27 April 1993. The general amnesty act voted at the end of the war out of concern for the observance of human rights had enabled the situation to be normalized by giving the government press and the opposition press an equal opportunity to resume publication.

93. Yemen, having ratified or signed most of the international human rights instruments, believed that the new international order must serve to promote human rights and give high priority to development, even while respecting the cultural traditions of countries and the principles of national sovereignty and non-interference in the internal affairs of other States.

94. Mrs. MORGAN-MOSS (Panama) expressed great appreciation for the report of the Secretary-General on strengthening of the rule of law (A/49/512), especially its reference to the Universal Declaration of Human Rights, which upheld the

primacy of humanity and morality in a world where money reigned. United Nations human rights activities were based on objective rights which human beings enjoyed by the very fact of being human. To deserve them, a human being must be faithful to his or her basic nature; the same was true for communities and nations. Panama strove to remain faithful to the Western, Oriental and indigenous cultural traditions that had forged its national identity, and to do so in a spirit of integration and harmony. As the new President of Panama had declared in assuming office on 1 September 1994 following democratic elections to whose success the United Nations and especially the United Nations Development Programme (UNDP) had contributed, utmost importance must be attached to political and ideological tolerance, to pluralism and to concerted action as instruments of peace, progress and development. That presupposed a strengthened rule of law and an independent judiciary, as well as an absolute respect for public freedoms, so that a climate favouring harmonious coexistence among all sectors of Panamanian society could be created. The new Government had also made it a priority to improve the administration of justice, the police services and the prison system. With that in mind, her delegation wished to emphasize that, as indicated in paragraph 98 of document A/49/512, where the link between the observance of human rights and underdevelopment was recognized, it was by promoting the right to development that the United Nations and the international community could help eliminate the existing conflicts between human rights and development.

95. In the field of human rights, the principle of "children first" must prevail, a point made at the Vienna World Conference on Human Rights. In accordance with the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children, nations and the international community must redouble their efforts to protect children and give priority to reducing infant and maternal mortality rates, combating malnutrition and illiteracy and improving the supply of drinking water and access to basic education. To do so, it is necessary to draw up national and international plans of action designed to mitigate the effects of natural disasters and armed conflict and alleviate the sufferings of children who are victims of sickness, abandonment, poverty, exploitation and other abuses, with the aid of non-governmental organizations whose action is so important.

96. The many important events organized or in the process of being organized by the United Nations in the fields of population, development, the status of women or housing attest to the international community's efforts to promote human development and cooperation among States and peoples so as to ensure the observance of human rights.

97. With regard to the financial problems discussed in document A/49/512, her delegation believed that the operational difficulties the United Nations was experiencing were no doubt due to a lack of funds and personnel, but that nevertheless there were instances of duplication it ought to be possible to eliminate, as well as possibilities for inter-agency cooperation that could be better exploited, especially in the fields of education, training and the exchange of information. The United Nations could take steps, for instance, to persuade the development specialists of the international financial institutions to become ardent defenders of human rights, because the problems stemming from

the indebtedness and poverty experienced by many countries would more likely be resolved if the promotion and observance of human rights became a universal concern of all those involved in international cooperation.

98. Mr. MOUBARAK (Lebanon) said that the past 40 years of ideological confrontation had precluded any meaningful debate of human rights issues, human rights being those which human beings enjoy simply because they are human beings and not because they are members of a particular nation or State. Respect for human identity was the most universal value to which societies aspired.

99. The 1993 World Conference on Human Rights was the symbol of the emerging interest in human rights. Lebanon strongly supported the Vienna Declaration and Programme of Action and was particularly pleased with the provisions relating to human rights education. Furthermore, it welcomed the adoption of Commission on Human Rights resolution 1994/51 proclaiming a decade for human rights education, and it looked forward to its implementation.

100. Although the violence had ended in other parts of his country, in southern Lebanon the situation was still deplorable and the continuing acts of aggression and the arbitrary practices of the Israeli occupation forces were flagrant violations of the United Nations Charter and the Universal Declaration of Human Rights. Israel maintained its occupation of southern Lebanon in defiance of Security Council resolution 425 (1978), and its numerous violations had been the subject of repeated complaints by Lebanon to the Security Council. Israeli policy was a factor in the imperilled security of the region. The civilian population of southern Lebanon and the adjacent areas was subjected to constant shelling, curfews, arrests and expulsions. Israeli troops opened fire without provocation on entire villages, sealing them off and thus preventing any emergency food and medical supplies from reaching them. They transferred, detained and tortured hundreds of prisoners and barred representatives of the International Committee of the Red Cross and Amnesty International from visiting prisons and detention camps set up by Israel inside Lebanon. The Commission on Human Rights had adopted many resolutions on the issue of human rights in southern Lebanon, thus demonstrating that Israel was clearly violating the Universal Declaration of Human Rights, the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and the fourth Hague Convention of 1907. Despite repeated demands by the Lebanese Government and human rights groups, Israel refused to release its prisoners, compelling his Government to reiterate its demand. Israel did not even reply to the Economic and Social Council's request to report to it on the human rights situation in southern Lebanon. Its occupation had never been lifted since 1978, and the casualty list was growing.

101. Lebanon, as one of the founding members of the United Nations and a signatory of the Universal Declaration of Human Rights, was fully committed to the objectives of the Madrid Peace Conference on the Middle East and to the achievement of a just, lasting and comprehensive peace.

102. His delegation expressed appreciation to all the United Nations agencies involved in the human rights campaign, and reiterated his country's support. It

also thanked the High Commissioner for Human Rights for his informative and important statement and wished him success in his endeavours.

103. Mr. CAMARA (Food and Agriculture Organization of the United Nations), speaking on item 100 (d) said that the right to development, as a universal and inalienable right to participate in and contribute to economic, social, cultural and political development, was one of the fundamental human rights set forth in the International Covenant on Economic, Social and Cultural Rights.

104. Among those rights was the right to food, which had a long history dating back to the Universal Declaration of Human Rights and had been proclaimed by the World Food Conference in 1974. In March 1992, the Declaration of Barcelona had proclaimed that all human beings had the right to sufficient and wholesome food, and in December 1992, the World Declaration on Nutrition had recognized that access to nutritionally adequate and safe food was a right of each individual.

105. Owing to the complexity of the processes it implied, the right to development was very difficult to define precisely, whether at the national or international level. It was by identifying the obstacles to its realization that the exact context of the obligations of States within the context of that right could be established. The main objective of development was individual and social betterment. Though the obstacles hindering that process varied in time and space, in the developing world, and especially in the agricultural and rural sectors, they tended to manifest themselves essentially as impediments to the enjoyment of the rights to adequate food and nutrition. For instance, nearly 800 million people in the developing world were currently considered to be chronically undernourished, and more than 2 billion people lacked one or more of the required micronutrients. Whatever the immediate causes of hunger and malnutrition, poverty bound the fate of millions, even in the developed world.

106. The majority of the world's poor lived in the developing world, where agricultural activity made a substantial contribution to their daily subsistence. In the least developed countries, employment and income opportunities in all sectors were significantly limited by the level of agricultural productivity. Consequently, in many parts of the developing world it was very difficult, if not impossible, to disentangle the factors hindering agricultural and rural development from those hindering overall development or from those perpetuating poverty. A corollary of that was that it was also difficult to differentiate the substantive content of the right to development from that of economic, social and cultural rights, especially the right to have access to adequate food and nutrition.

107. It was through the elimination of poverty that the fundamental right of each individual to be free from hunger could be guaranteed; however, the hungry could not wait. The search for world food security must include immediate steps to help the vulnerable, as well as long-term measures to bring about economic and social progress that could eventually achieve it.

108. Although States were in large measure responsible for ensuring the elimination of all obstacles to the full realization of that right, individuals and organizations could nevertheless also make a contribution to the process.

Individuals not only could work for their own food security, but also could show concern for the food security of the less fortunate and that of future generations. The concern of individuals would enable non-governmental organizations to stimulate, support and complement the actions of Governments, in developed and developing countries alike. In particular, those organizations could contribute directly, through operational and other activities, towards enhancing food security in various parts of the developing world, and indirectly, through creating a climate of opinion favourable to food security measures.

109. The obligations of States to ensure complete global food security continued to be of prime importance at both the national and the international levels. They could achieve that objective by respecting the rights of the individuals or groups that could take care of their own food security needs without weakening the possibility for others to do the same; by protecting the rights of the most vulnerable through preventing processes which negatively affected and encouraging processes which positively affected their food security; and by fulfilling the right to food through food relief.

The meeting rose at 1.20 p.m.